

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

|                             |                                |
|-----------------------------|--------------------------------|
| ROBERT MACHLAN,             | Case No. 3:16-cv-00726-MMD-VPC |
|                             | ORDER                          |
| v.                          |                                |
| DR. ARANAS, <i>et al.</i> , |                                |
| Plaintiff,                  |                                |
| Defendants.                 |                                |

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. On November 13, 2017, this Court issued an order directing Plaintiff to file his updated address with this Court within thirty (30) days.<sup>1</sup> (ECF No. 3 at 9.) The thirty-day period has now expired, and Plaintiff has not filed his updated address or otherwise responded to the Court’s order.

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party’s failure to prosecute an action, failure to obey a court order, or failure to comply with local rules. See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833

---

<sup>1</sup>This order was returned as undeliverable. (ECF No. 5.)

1 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson*  
2 *v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and  
3 failure to comply with local rules).

4 In determining whether to dismiss an action for lack of prosecution, failure to obey  
5 a court order, or failure to comply with local rules, the court must consider several factors:  
6 (1) the public's interest in expeditious resolution of litigation; (2) the court's need to  
7 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring  
8 disposition of cases on their merits; and (5) the availability of less drastic alternatives.  
9 *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130;  
10 *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

11 In the instant case, the Court finds that the first two factors, the public's interest in  
12 expeditiously resolving this litigation and the Court's interest in managing the docket,  
13 weigh in favor of dismissal. The third factor, risk of prejudice to Defendants, also weighs  
14 in favor of dismissal, since a presumption of injury arises from the occurrence of  
15 unreasonable delay in filing a pleading ordered by the court or prosecuting an action. See  
16 *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor – public policy  
17 favoring disposition of cases on their merits – is greatly outweighed by the factors in favor  
18 of dismissal discussed herein. Finally, a court's warning to a party that his failure to obey  
19 the court's order will result in dismissal satisfies the "consideration of alternatives"  
20 requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*, 779 F.2d  
21 at 1424. The Court's order requiring Plaintiff to file his updated address with the Court  
22 within thirty (30) days expressly stated: "It is further ordered that, if Plaintiff fails to timely  
23 file an updated address with the Court, the Court will dismiss this case with prejudice."  
24 (ECF No. 3 at 9.) Local Rule IA 3-1 similarly cautions a party to notify the court of any  
25 change of mailing address to avoid dismissal. Thus, Plaintiff had adequate warning that  
26 dismissal would result from his noncompliance with the Court's order to file his updated  
27 address within thirty (30) days.

28 ///

1 It is therefore ordered that this action is dismissed with prejudice based on  
2 Plaintiff's failure to file an updated address in compliance with this Court's November 13,  
3 2017, order.

4 It is further ordered that the Clerk of Court enter judgment accordingly.

5 DATED THIS 21<sup>st</sup> day of December 2017.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE